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DRIGGS ET AL

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August 19, 2004

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Patrick J. Daugherty*

**RECEIVED
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NOV 30 2005

Mail Stop ISSUE FEE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: U. S. Plant Patent Application of M. Everett Weiser
entitled PEACH TREE NAMED WEISER, Serial No.
10/696,340, filed October 29, 2003, Conf. No. 8861
Docket No. ACN-30-5804

Dear Sir:

The undersigned has received a Notice of Allowance dated July 14, 2004 in connection with the above entitled patent application. The due date for payment of the issue fee is October 14, 2004. Although the projected publication date set by the Patent Office in the filing receipt is May 5, 2005, more than seven months away, a charge for such publication appears on the allowance and fee transmittal forms and was paid by the applicant when submitting the fee transmittal to the Patent Office on August 19, 2004. (a copy of the transmittal is attached).

We were advised by the Issue Branch that the publication fee was required to be paid along with the issue fee to insure issuance of the patent, and that a letter explaining the excess charge should be submitted, and the Patent Office would then credit Deposit Account 500645 in the amount of three hundred dollars (\$300.00).

Accordingly, it is hereby requested that such credit be issued.

Respectfully submitted,

James A. Lucas
James A. Lucas, Reg. No. 21,081
Attorney for Applicants
Customer No. 23266

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Enclosure

*Reg. Patent Attorney

DATE _____

11/30/2005 16:06 FAX 440 391 5101

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Driggs, Lucas, Brubaker & Hogg Co., L.P.A

*Attorneys - at - Law
38500 Chardon Road
Willoughby Hills, Ohio 44094
440-391-5100*

Date: November 30, 2005

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PLEASE DELIVER THESE TELECOPIED PAGES IMMEDIATELY **FOURTH REQUEST**

TO: Patent Office Refund Department **FAX NUMBER: (703) 305-8568**

FROM: Alicia Y. Sterba **TEL. #: (440) 391-5100**

FAX #: (440) 391-5101

Re: Application Serial No. 10/696,340 - Now Patent No. PP 15,295
Our Docket No. ACN-30-5804

NUMBER OF PAGES TO FOLLOW: 3

In accordance with a discussion with the Refund Department, I am enclosing a copy of the original refund request sent to the Patent Office on August 19, 2004, a copy of the second refund request faxed to the Refund Department on February 22, 2005, and a copy of the third request faxed to the Refund Department on June 22, 2005. The first request for credit of the publication fee in the amount of \$300.00 was mailed with the issue fee transmittal but apparently was never forwarded to the Refund Department. The second request which was faxed to the Refund Department was apparently lost during their office relocation. The third request was also faxed to the Refund Department but still no action has been taken by the Refund Department.

Accordingly, I would appreciate your immediate attention to this request which was originally submitted nearly a year and a half ago and that a credit in the amount of \$300.00 be issued to our Account No. 500645 to cover the publication fee, which publication never took place.

Thank you for your attention.

Alicia Y. Sterba
Legal Assistant to James A. Lucas

Driggs, Lucas, Brubaker & Hogg Co., L.P.A

*Attorneys - at - Law
38500 Chardon Road
Willoughby Hills, Ohio 44094
440-391-5100*

Date: February 22, 2005

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CONFIDENTIALITY NOTE:

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Thank you
.....

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TO: Patent Office Refund Department **FAX NUMBER: 703 308 5077**

FROM: Carole Giacomazzo **TEL #: (440) 391-5100**

FAX #: (440) 391-5101

Re: Application Serial No. 10/696,340 - Now Patent No. PP 15,295
Our Docket No. ACN-30-5804

NUMBER OF PAGES TO FOLLOW: 2

In accordance with my discussion today with the Refund Department, I am enclosing a copy of the original refund request sent to the Patent Office on August 19, 2004. This request for credit of the publication fee in the amount of \$300.00 was mailed with the issue fee transmittal but apparently was never forwarded to the Refund Department.

Accordingly, I would appreciate your immediate attention to this request which was submitted over six months ago and that a credit in the amount of \$300.00 be issued to our Account No. 500645 to cover the publication fee, which publication never took place.

Thank you for your attention.

Carole Giacomazzo
Paralegal / Legal Assistant to James A. Lucas